

Joint Pre-Trial Attachment C-2

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DHI Group, Inc. f/k/a Dice Holdings
Inc. and RIGZONE.com, Inc.,

Plaintiffs,

vs.

David W. Kent, Jr., Single Integrated
Operations Portal, Inc. d/b/a Oilpro, et.
al.,

Defendants.

No: 16-cv-01670

Single Integrated Operations Portal,
Inc. d/b/a Oilpro and OILPRO.com,

Counter-Plaintiff,

vs.

DHI Group, Inc. f/k/a Dice Holdings
Inc. and RIGZONE.com, Inc.,

Counter-Defendants.

Defendants' Proposed Voir Dire Questions

Pursuant to the Court's Trial Setting Order, Defendant David W. Kent, Jr. and Defendant/Counter-Plaintiff Single Integrated Operations Portal, Inc. d/b/a Oilpro and OILPRO.com ("Oilpro") submit the following voir dire questions for use at the trial of this matter.

Oilpro and David Kent respectfully request the following Voir Dire of the Jury:

Because the law provides a trial by jury, the parties in this case have requested the Court to ask certain questions of the jury panel to make certain those selected to serve on the jury can render a just impartial verdict.

1. Introduce Rigzone and Attorney
 - a. Rigzone, Plaintiff and Counter Defendant
 - b. Walter Lynch, Attorney
 - c. Amir Halevy, Attorney
 - d. Joseph (“Jeb”) Golinkin II, Attorney
2. Introduce Oilpro, David Kent and Attorneys
 - a. David Kent, Defendant
 - b. Oilpro, Defendant, Counter-plaintiff
 - c. James Munisteri, Attorney
 - d. Sara Brown, Attorney
3. Identify Witnesses
 - a. David Kent and his wife Casey Kent
 - b. Estefan Dufrin
 - c. Matthew Kent
 - d. Jeremy Antonini
 - e. Jonathan Fairbanks
 - f. Michael Durney
 - g. Constance Melrose
 - h. Chad Norville
 - j. Shane Johnson
 - k. Judge Bruce D. Oakley
 - l. Judge Levi Benton
4. Are any of you familiar with this case, the witnesses, the parties, or the attorneys? If so, who? Will it affect your ability to render an impartial verdict?

5. What is your occupation? Spouse's occupation? Occupation of parents, children?
6. Marital status?
7. Involvement in lawsuits
 - a. Type of suit?
 - b. Party?
 - c. Witness?
 - d. Same for relatives.
8. Are you or a member of your family now or have in the past worked in the oil and gas industry?
 - a. What was your job?
 - b. What were your duties?
 - c. How did you find your job?
 - d. Did you use a recruiter?
 - e. Did you post your resume to a job bank?
9. Have you or a member of your family ever worked as a recruiter?
 - a. If yes, what were your duties and responsibilities?
 - b. If yes, how did you find candidates?
 - c. If yes, did you use any job forums or online databases?
 - d. Which ones?
 - e. When you used an internet database, were there any restrictions on your use of resumes.
10. Have you or a member of your family ever worked as a computer programmer, webpage developer, or as an IT professional?
 - a. If yes, what were your duties and responsibilities?
 - b. Are you familiar with computer hacking?
 - c. What is computer hacking?
 - d. Were you in charge of making sure that computer systems were secure?
 - e. What steps did you take to put in place security measures?
 - f. Can information on a publically accessible website still be kept secret?

- g. How?
- 11. Have you or a member of your family ever worked in either finance or as an appraiser?
 - a. If yes, what were your duties and responsibilities?
- 12. Have you or a member of your family ever posted a job to a resume job bank when searching for a job, such as LinkedIn, Monster.com, or any similar internet-based job bank?
 - a. What service did you use?
 - b. What were your expectations regarding the privacy of the information you posted online?
 - c. Who did you understand other people would be able to review your resume?
 - d. Did you believe that anyone on the web could review your resume once it was posted, or that your resume would only be accessible to certain people?
 - e. If the latter, who did you believe could review your resume?
- 13. Have you or a member of your family ever started their own company?
 - a. Do you/your family member still own their own company
 - b. Did you/your family member sell the company?
 - c. If yes, was the sale a positive experience or negative? Explain.
- 14. Have you or a member of your family ever been a party to a contract that restricted their ability to compete against a previous employer after they quit or were terminated?
 - a. What were the restrictions?
 - b. Did you think it was fair to restrict your ability to have a job after you left your employer?
- 15. Have you or a member of your family ever worked at a company that required you to sign a confidentiality agreement or follow restrictions to keep secret information the company regarded as a trade secret?

16. Have you or a member of your family ever worked at a company that accused someone of stealing a trade secret or taking confidential information?
17. Have you or a member of your family been involved in any way in disputes between two companies that competed against each other?
18. Is there anything wrong with a former employee uses a former employer's business information in order to bid against that former employer?
 - a. Why?
 - b. What if that information was available to all employees?
 - c. What if that information was accessible on the internet?
 - d. What if the employer failed to take steps to safeguard that information?
19. Are you or a member of your family now or have in the past worked in law enforcement or for a criminal prosecutor?
 - a. What was your job?
20. How do you judge people who violate a criminal law and pay their debt to society but are then sued in a civil court lawsuit about the same activity?
21. Under what circumstances do you believe that a person who has paid for any damage they may have caused, must be required to pay additional amounts to punish them further?
22. Do you believe that a person's testimony in court should be presumed to be untruthful because of only one fact: that person has violated a criminal law?
23. Do you believe that a person who has violated a criminal law will lie about everything?
24. On a 1-5 scale please rank whether you agree with the following statement: a person who has violated a criminal law is entitled to

jurors who will listen to all the evidence and not decide the case based only on his criminal conviction alone

25. On a 1-5 scale: All defendants, even guilty ones, should in a civil case pay as compensatory damages only the amount that fairly compensates the injured party.
26. Who here believes that a party's damages should be limited to the actual damages they suffered as a result of the alleged wrongful conduct?
 - a. What factors would you consider in awarding damages that exceed the actual loss suffered by the injured party?
 - b. If someone has previously reimbursed the injured party for their damages, what factors would you consider in awarding additional damages?
 - c. If a party has already been made whole, do you believe that the injured party is entitled to seek additional damages?
 - d. Why or why not?
27. What evidence do you believe should be considered when deciding damages?
 - a. Who thinks you should automatically believe an expert witness because of his training and expertise?
 - b. Why or why not?
 - c. Who thinks that even expert witnesses should be scrutinized and prove that their calculations and opinions are reliable?
 - d. Why or why not?
 - e. Who believes that a damages expert should rely upon data as opposed to the representations of the party that hired the expert?
 - f. Who will believe an expert witness or other witness's damage estimate of the value of an asset even though there is no evidence that anyone has ever paid a similar amount for the asset?
28. Who believes that aggressive businesspersons are unethical?
 - a. Who believes it is wrong for businesses or business people to attempt to take out their competition?

- b. Do you think creating a business to compete with your former employer is wrong? Explain.
- 29. Do any of you feel that any of your own particular biases would cause you to be unable to give David Kent a fair trial in this cause?
- 30. Who thinks that the fact this case is going to trial means that some basis must exist for Plaintiffs to win?
- 31. Do you believe that because there is a lawsuit filed there ought to be a recovery?

Respectfully Submitted,

FOLEY & LARDNER LLP

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